
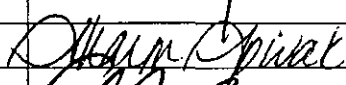
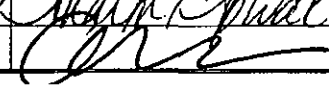


<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 001943 </div> <div style="width: 40%; text-align: center;"> REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO </div> <div style="width: 30%; text-align: right;"> 1. CERTIFICATE NUMBER (FOR AUDITOR'S USE C) 129 12/02 </div> </div>							
TO: CITY ATTORNEY	2. FROM (ORIGINATING DEPARTMENT): CITY COMPTROLLER'S OFFICE	3. DATE: 8/18/2008					
4. SUBJECT: CONFLICT OF INTEREST CODE FOR THE CITY COMPTROLLER'S OFFICE							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Vicki Tran	6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Clay Schoen	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>					
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	DEPT.	ORGANIZATION					
OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER					
AMOUNT							
9. ADDITIONAL INFORMATION / ESTIMATED COST: No Fiscal Impact.							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT		8.17.08	8	DEPUTY CHIEF	CFO Maryheun	8/20/08
2				9	COO		
3				10	CITY ATTORNEY		11/10/08
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT		8/18/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 12/2/08		
7							
11. PREPARATION OF: <input type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
Adopting the revised Conflict of Interest Code for the City Comptroller's Office.							
11A. STAFF RECOMMENDATIONS: Approve the revised Conflict of Interest Code and appendices as submitted.							
12. SPECIAL CONDITIONS: <u>COUNCIL DISTRICT(S): ALL</u> <u>COMMUNITY AREA(S): CITYWIDE</u> <u>ENVIRONMENTAL IMPACT: N/A</u> <u>HOUSING IMPACT: N/A</u> <u>OTHER ISSUES: NONE</u>							

001945

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: 08/18/2008
ATTENTION: City Council
ORIGINATING DEPARTMENT: City Comptroller's Office
SUBJECT: Conflict of Interest Codes
COUNCIL DISTRICT(S): N/A
CONTACT/PHONE NUMBER: Vicki Tran 619-236-6712

REPORT NO:

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION: Pass Resolution

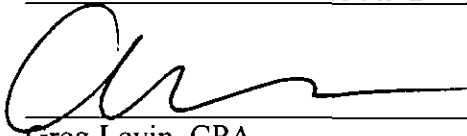
EXECUTIVE SUMMARY: This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The City Comptroller code has been revised to include the updated department title as City Comptroller, updated position title as City Comptroller, and to delete the Assistant City Auditor and Comptroller position.

FISCAL CONSIDERATIONS: 0

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Greg Levin, CPA
City Comptroller



Clay Schoen
Financial Operations Manager

001947

2008 Local Agency Biennial Notice

Name of Agency: Office of the City Comptroller (city)
 Mailing Address: 202 C Street 6th Floor
 Contact Person: Veronica M. Murillo
 Phone Number: (619) 236-6662 Fax Number: none
 E-mail: vmurillo@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

☒ The code needs to be amended and the following amendments are necessary:

(Check all that apply)

- ☐ Include new positions (including consultants) which must be designated (App. A)
- ☐ Delete positions that manage public investments from the list of designated positions.
- ☐ Revise disclosure categories (App. B)
- ☒ Revise the titles of existing positions (App. A)
- ☒ Delete the titles of positions that have been abolished (App. A)
- ☐ Other

☐ Summary of documented dispute and resolution

☐ No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.


 Signature of Chief Executive Officer

8.14.08
 Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst
 Office of the City Clerk
 202 C Street, MS 2A, San Diego, CA 92101

CONFLICT OF INTEREST CODE DEVELOPMENT/UPDATE 2008

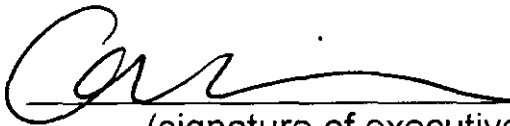
LIST OF EXHIBITS

- Exhibit A - Local Agency Biennial Notice
- Exhibit B - "Brass Tacks" Flowchart for the Biennial Update Process
- Exhibit C - Task List for Conflict of Interest Code Update
- Exhibit D - Common Changes Warranting a Conflict of Interest Code Amendment
- Exhibit E - How to Determine Who Should Be Designated in Your Code
- Exhibit F - 2 Cal Code of Regulations Section 18701, "Public Officials, Definitions"
- Exhibit G - Consultant Information
- Exhibit H - Sample Determination of Code Applicability to Consultant
- Exhibit I - Sample Letter regarding Consultant Disclosure
- Exhibit J - Sample Disclosure Categories for Developing Conflict of Interest Codes
- Exhibit K - Sample Appendices A and B
- Exhibit L - Sample Notice of Code Changes to Those Affected
- Exhibit M - Sample Certification
- Exhibit N - Sample Request for Council Action (Form 1472): Adopting Revised Code
- Exhibit O - Government Code Section 87302 - "Required Provisions"
- Exhibit P - Cal Code of Regulations Section 18730 (Standardized Conflict of Interest Code)
- Exhibit Q - List of City Boards and Commissions with Conflict of Interest Codes
- Exhibit R - Cal Code of Regulations Section 187200 (Statutory Filers)

RECEIVED
CITY CLERK'S OFFICE
08 AUG 21 PM 2:08
SAN DIEGO, CALIF.

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's Office of the City Comptroller
(name of department/agency/board)
after a fair opportunity was offered to the members of the department/agency/board to present their views.


(signature of executive officer)

8.21.08
(date)

**CITY AUDITOR AND COMPTROLLER
CONFLICT OF INTEREST CODE
As of September 15, 2006**

**APPENDIX A
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

City Auditor and Comptroller Category 1

Chief fiscal officer of the City of San Diego as specified in Charter Section 39.

~~Assistant City Auditor and Comptroller~~ ~~Category 1~~

~~Under administrative direction to assist the City Auditor and Comptroller in planning, directing, and coordinating the activities of the City Auditor and Comptroller's Office and to perform related work. Also, to perform the duties of the City Auditor and Comptroller due to the absence of this person.~~

Financial Operations Manager Category 2

Under administrative direction to plan, develop, and administer fiscal control over all City assets, to establish timely financial reporting, to direct auditing activities, to coordinate financial systems development, and to perform accounting activities related to payment services.

Principal Accountant Category 2

Under general direction to supervise areas within general accounting, audit, systems operations, and payment services divisions.

Consultant

The ~~Auditor~~ City Comptroller shall determine in writing whether a consultant shall be required to disclose economic interests in one or more categories listed in Appendix B. The ~~Auditor~~ City Comptroller may determine that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus will be required to disclose economic interests in fewer than all categories. The ~~Auditor's~~ City Comptroller's written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements. The ~~Auditor's~~ City Comptroller's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

CITY AUDITOR AND COMPTROLLER
CONFLICT OF INTEREST CODE
As of September 15, 2006

APPENDIX B
DISCLOSURE CATEGORIES

As used in this Appendix, The City of San Diego includes all entities for which the Office of the City Auditor and Comptroller provides accounting, auditing, systems and payment related services.

CATEGORY 1:

Certain officials specified in Government Code Section 87200 in positions responsible for administration of city government are required by law to file Statement of Economic Interest Form 700, or its successor.

CATEGORY 2:

1. All reportable investments and business positions in any firm or entity that supplies goods or services to The City of San Diego, that is an adverse party to The City of San Diego in a legal proceeding, or is granted authority by The City of San Diego to use City facilities.
2. All reportable interests in real property owned or used by any person that supplies goods or services to The City of San Diego, that is a tenant of The City of San Diego, that is an adverse party to The City of San Diego in a legal proceeding, or is granted authority by The City of San Diego to use City facilities.
3. All reportable income, including any gifts of \$50 or more, from any person that supplies goods or services to The City of San Diego, that is a tenant of The City of San Diego, that is an adverse party to The City of San Diego in a legal proceeding, or is granted authority by The City of San Diego to use City facilities.

**CITY COMPTROLLER
CONFLICT OF INTEREST CODE**

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DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

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**CITY COMPTROLLER
CONFLICT OF INTEREST CODE**

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3. All reportable income, including any gifts of \$50 or more, from any person that supplies goods or services to The City of San Diego, that is a tenant of The City of San Diego, that is an adverse party to The City of San Diego in a legal proceeding, or is granted authority by The City of San Diego to use City facilities.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE OFFICE OF THE CITY
COMPTROLLER

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, by Resolution No. R-302196, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Office of the City Auditor and Comptroller; and

WHEREAS, the Office of the City Comptroller now seeks to revise its conflict of interest code to reflect the fact that the Auditor and Comptroller are now in separate offices, to provide for a separate code for the Office of the Comptroller, to delete positions more appropriately included in other department codes, and to revise titles of existing positions; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Office of the City Comptroller; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Office of the City Comptroller is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of the City Comptroller as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.


001959

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Office of the City Comptroller shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Office of the City Comptroller becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/10/08
Or.Dept:City Comptroller
R-2009-207